

CITY OF EL PASO, TEXAS
DEPARTMENT HEAD'S SUMMARY REQUEST FOR COUNCIL ACTION (RCA)

DEPARTMENT: AIRPORT

AGENDA DATE: July 12, 2005

CONTACT PERSON/PHONE: Patrick T. Abeln, A.A.E. – 780-4724

DISTRICT(S) AFFECTED: 3

SUBJECT:

AUTHORIZE the City Manager to sign a First Amendment to Concession Agreement between the City of El Paso ("City") and CheckPoint Mailers, Inc. ("Concessionaire") to specify that revenue reports and Percentage Fees are due on the 15th of the month following that in which the revenues were earned.

BACKGROUND / DISCUSSION:

Effective March 1, 2005 the City of El Paso entered into a Concession Agreement with CheckPoint Mailers, Inc. CheckPoint Mailers is a service that has "mailboxes" located at the Airport security checkpoints and allows passengers to mail to themselves personal items that are not allowed through the checkpoint. The company charges \$8.00 for return mail envelopes and the Department of Aviation receives 10% of this revenue. Airline passengers appreciate this service. CheckPoint Mailers is in over 20 U.S. airports.

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one? If so, when?
The Concession Agreement with CheckPoint Mailers, Inc. was approved by the City Council on March 1, 2005.

AMOUNT AND SOURCE OF FUNDING:

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?
N/A

BOARD / COMMISSION ACTION:

Enter appropriate comments or N/A
N/A

COUNCIL ACTION REQUIRED: City Council did not delegate the authority to sign airport leases, concession agreements or operating agreements.

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) _____ **FINANCE:** (if required) _____
Sylvia Borunda Firth, Asst. City Attorney

OTHER: Patrick T. Abeln, A. A. E., Director of Aviation _____
(Example: if RCA is initiated by Purchasing, client department should sign also)

Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the City Manager be authorized to sign a First Amendment to Concession Agreement between the City of El Paso ("City") and CheckPoint Mailers, Inc. ("Concessionaire") to specify that revenue reports and Percentage Fees are due on the 15th of the month following that in which the revenues were earned.

APPROVED the 12th day of July 2005.

CITY OF EL PASO

John Cook
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

Sylvia Borunda Firth
Assistant City Attorney

APPROVED AS TO CONTENT:

Patrick T. Abeln, A.A.E.
Director of Aviation

STATE OF TEXAS)
)
COUNTY OF EL PASO) **FIRST AMENDMENT TO
CONCESSION AGREEMENT**

This First Amendment to Concession Agreement is made and entered into this 12th day of July 2005 by and between the City of El Paso ("City") and CheckPoint Mailers, Inc. ("Concessionaire").

WHEREAS, on March 1, 2005, City entered into a Concession Agreement ("Agreement") with Concessionaire; and

WHEREAS, City and Concessionaire now desire to amend the Agreement to specify the date revenue reports and Percentage Fees are due each month.

NOW THEREFORE, in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. **Due Date.** Section 5.01 of the Agreement is amended to provide that the Percentage Fee is due and payable on the 15th of the month following that in which the revenues were earned.
2. **Clerical Correction.** The reference to Section 3.01 in the third paragraph of Section 5.02 is corrected to read Section 5.01.
3. **Ratification.** Except as expressly modified herein all other terms and conditions of the Agreement dated March 1, 2005 shall remain in full force and effect and shall remain as written unless expressly modified herein.

IN WITNESS WHEREOF, this First Amendment to Concession Agreement has been executed by the parties hereto as of this 12th day of July 2005.

CITY OF EL PASO

Joyce A. Wilson
City Manager

APPROVED AS TO FORM:

Sylvia Borunda Firth
Assistant City Attorney

APPROVED AS TO CONTENT:

Patrick T. Abeln, A. A. E.
Director of Aviation

(SIGNATURES CONTINUE ON FOLLOWING PAGE)

ATTEST:

**CONCESSIONAIRE: CHECKPOINT
MAILERS, INC.**

By: _____

Printed Name: Heather Lowry

Title: President

ACKNOWLEDGMENT

THE STATE OF NORTH CAROLINA)

)

COUNTY OF MECKLENBURG)

)

_____ This instrument was acknowledged before me on this _____ day of _____
_____ 2005 by Heather Lowry as President of CheckPoint Mailers, Inc. (Concessionaire).

Notary Public, State of North Carolina

My Commission Expires:
